

TODD KING, 7-22-08

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1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 NORTHERN DISTRICT OF OKLAHOMA

3
4 W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
5 OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
6 ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
7 TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

8)
Plaintiff,)

9)
vs.)

4:05-CV-00329-TCK-SAJ

10)
TYSON FOODS, INC., et al,)

11)
Defendants.)

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14
15 VOLUME I VIDEOTAPED DEPOSITION OF TODD KING,
16 produced as a witness on behalf of the Defendants in
17 the above styled and numbered cause, taken on the 23rd
18 day of July, 2008, in the City of Tulsa, County of
19 Tulsa, State of Oklahoma, before me, Marlene Percefull,
20 a Certified Shorthand Reporter, duly certified under
21 and by virtue of the laws of the State of Oklahoma.

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EXHIBIT2

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1 discuss that. 11:35AM

2 Q In Paragraph 3.2.3 you state that -- on Page 17,
3 you state that, "In addition, the sediments in Lake
4 Tenkiller contain excessive amounts of nutrients," and
5 you go to state that, "The release of these nutrients, 11:36AM
6 particularly phosphorous, protects the excess
7 production of algae." Who told you that?

8 A I'm sorry, where?

9 Q I'm at 3.2.3 on Page 17. It's the last two
10 sentences in the middle paragraph -- or the second 11:36AM
11 paragraph?

12 A Primarily Drs. Welch and Cooke.

13 Q One the statement we just read is not the result
14 of your own independent investigation, is that true?

15 A No. 11:37AM

16 Q On Page 19, you talk about the next to the last
17 paragraph, hypolimnetic withdrawal --

18 A Uh-huh.

19 Q -- as being a lake restoration technique, do you
20 see that? 11:37AM

21 A Yes, sir.

22 Q And the hypolimnion is the lowest strata in the
23 lake, is that true?

24 A Yes, sir.

25 Q It's the bottom water? 11:38AM

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1 you traced the injury back to any source site for any 5:09PM
2 one of these constituents of concern?

3 A Me personally, no.

4 Q Now, you mentioned that you -- other experts
5 defined for you what the injuries were and that defined 5:09PM
6 the scope your project going forward, right?

7 A Yes, sir.

8 Q Now, for the total nitrogen, who -- who told you
9 that there was an injury in the Illinois River
10 Watershed associated with total nitrogen and you needed 5:09PM
11 to address that?

12 A Actually, specifically for total nitrogen and
13 bacteria for the drinking water well, that was actually
14 based on my own analysis of the 60 wells.

15 Q Okay. All right. Because I have read all the 5:10PM
16 others expert reports and I want you to correct me if
17 my statement is wrong. I have not seen any of the
18 other causation expert reports submitted by the
19 plaintiff in this matter where an expert offered the
20 opinion that there was a problem with total nitrogen in 5:10PM
21 the Illinois River Watershed. I've only seen that in
22 your report, is that correct?

23 MR. BLAKEMORE: Object to form.

24 A I can't speak to all the other reports.

25 Q Are you aware of any other expert that has offered 5:10PM

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